G. R. S. IX-5]

Preserve

P12

Previous references.

File No. 56-17.

1917-18.

Serial Nos. 1 to 4

(Police)

Later references.

PN. 6-17, 97, 98, 113 → 116.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 to 4

Part B for November 1917

SUBJECT.

Petition from one N. Narasimhachar & ChickKananjappa resident of T. Narsipur Mysore District appeal against the order of the Dy Comm Mysore District re-grant of a license to Conduct marriage procession to one Chennachari of T. Narsipur.

4) To the Petitioner

Endt. No. J 1646 dt 17-11-17

Informs that Government see no reason to interfere in the Matter.

To D. C. Mysore

No. J 1647 dt 17-11-17

Forwards Copy of the above

To the Chairman.

No. J 1648 dt 17-11-17 T. Narsipur Mk

Forwards Copy of the above

W D 88—GPB—50,000—24-7-18

Hd Abdur Rahman

15. 12. 17

746

G. R. S. III—1] 1917-18

GENERAL AND REVENUE SECRETARIAT.

(Police)

NOTES.

File No. 58-17

FILE HEADING.

Appeal against the order of the Dy. Comr. Mysore Dt. re grant of a license to conduct marriage processions to one Channachari of T. Narasipur.

From

Narasimhachar & Chik Nanjappa of T. Narasipur.

No. Pol	Dated 27.9.17	Received 27.9.17
Diary No. 746	Enclos. 3 Spare Copies.	Serial No. /

BRIEF ABSTRACT OF LETTER.

Prefers the above appeal.

NOTES AND ORDERS.

Submd. for orders with a draft calling for a report with the records.

28.9.17

Sub A

1-10

Dorai 28 9/10

T-1

NOTES—First Sheet.

WD 1232—GPB—20,000—18-11-16

R. S. 12.]

General and Revenue Secretariat.

DS File No. 56 of 1917

2

Serial No.	
2	To The D.C. Nagar Mysore Dt No J 11571 Dt/- 10 1917 Calls for a report in the matter. Vakalatnama Dt 8.10.17 by Mr. V. Venkatadri B) Subd. After receipt of the report if it is decided to hear the case notice will be issued to him BH. 11.10.17 Yr. SB 16/10
3	From. The D.C. Nagar Mysore Dt No. ROC 5-40 / Judl 17-18 Dt 13.10.1917 Submits the report Called for— 5) Subd. If it is decided to hear the parties and if a date, is fixed then for the notices may be given to them. BH. 27.10.17 6) The decision of the District Magistrate is in consonance with the accepted principles of law and justice. Hence grounds. Hence point for orders whether the Advocate, may be heard in the case. Govt. Submitted that there is no statutory appeal to the Govt. in such cases. In their inherent power vested in them, the Govt. giving such directions to the Magistrate &c SB 1/4

S.A

1687 5.11.17

NOTE—Contn. sheet.

First Member

GIT—61,000—17-6-12.

953

WD 1233—GPB—60,000—1-12-16—S.

G. R. S. III-2]

General and Revenue Secretariat. | Police File No. 56 of 1917-18

Serial No.

11 D/ Copies. Since Govt to Secretary appeal provided for in such cases, I see no need to hear the Advocate. A suitable endorsement may be put up for approval

5/11

7.11

8 D/ Draft submd.

8/11.
7.11.17.

9 D/ Draft approval

8/11

Asst Secy

10/11

1746
10/11

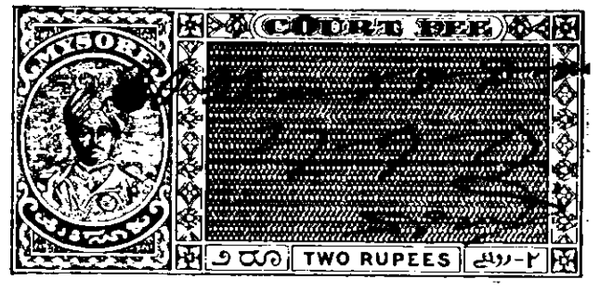
B
10/12/17

4. To The Petitioner
Govt No J 1646 D/ 17-11-17
Informs that Govt see no reason to interfere in the matter.

To Dewan Mysore
No J 1647 D/ 17-11-17
forwards Copy of the above

To The Chairman Nanjangud
No J 1648 D/ 17-11-17

NOTE—Contn. sheet.



BEFORE THE GOVERNMENT OF HIS HIGHNESS THE

MAHARAJA OF MYSORE AT BANGALORE.

Crl. Mis. Petition No. of 17-18

GEN. & REV. SECRETARIAT-II
JUDICIAL
27 SEP 1917

17 18
Police
56-17
1

1. N. Narasimhachar.
2. Chikkananjappa residents of T. Narasipur. | Petitioners & Appellants.

-vs-

Chennachari resident of T. Narasipur. | Opponent & Respondent.

The petitioners appellants most respectfully beg to prefer the following appeal against the order of the Deputy Commissioner, Mysore District in Criminal Mis. Appeal No.17 of 17-18 regarding the grant of a license to the opponent-respondent to take a marriage procession through the car and bazaar streets of T. Narasipur under Section 45 of the Mysore Police Regulation for the following among other reasons:-

1. That the learned Deputy Commissioner erred in granting the license when even according to the evidence let in by the opponent no right or mamul in his favour has been established.

2. The learned Deputy Commissioner's order is illegal inasmuch as it is an exparte order passed behind the back of the opponents without giving them an opportunity of being heard in the matter in support of the order of the Amildar of T. Narasipur, who after due enquiry, had refused to grant the license prayed for by the respondent.

3. The evidence adduced by the respondent is very meagre, interested and highly unworthy of credit. The entire records connected with the question at issue was not submitted for the consideration of the learned Deputy Commissioner and the appellants would have repaired this omission if they had notice of the appeal before the learned Deputy Commissioner.

4. So long ago as in year 1874 the Coldsmiths of T. Narasipur have petitioned to the Taluk Authorities mentioning the streets in which, according to mamul they have the right to go in procession, from which it will be abundantly clear that the right claimed by the respondent is illegal and unsupported by mamool.

5. The order of the learned Deputy Commissioner is against law, immemorial usuage of the locality and against decided cases of the Hon'ble The Chief Court,

16 My. Law R. 251.
7 Mys. C. C. R. 8

6. The granting of the license in question is likely, besides, to cause a disturbance of the public peace as will be found by the reference made by the Amildar of the Taluk.

7. The appellants are even now ready to prove their case, if an opportunity be granted to them. There are ample records to establish the mamool in this respect, the benefit of looking into which was denied to the learned Deputy Commissioner owing to the exparte nature of the proceedings before him.

8. The appellants therefore humbly pray that Government may be graciously pleased to direct the learned -

Deputy Commissioner to hold a formal enquiry, after due notice to both parties and come to a fresh decision of the case on merits and then submit the records for kind orders of the Government. The appellants further pray that until this appeal is heard and disposed of by Government the order of the learned Deputy Commissioner may not be given effect to. There is no urgency whatever for the respondent to rush through the order in his favour and the balance of hardship, justice and inconvenience is directly decidedly in favour of the appellants.

Bangalore.
27th Sept. 1917

4.10

DD 56-17-2

J 1157 Enclosure + 4 Encls.

Sirs,

The accompanying petition registered as J.146 dated the 27th September 1917 from Narasimhulu Naik Nanjappa of T. Narasipura appealing against the order of the Dy. Commr. Mysore &c., refusing a license to conduct a marriage procession on the Chamundi Hill on the 28th inst. with the accompaniments for which the necessary permission was refused by Govt.

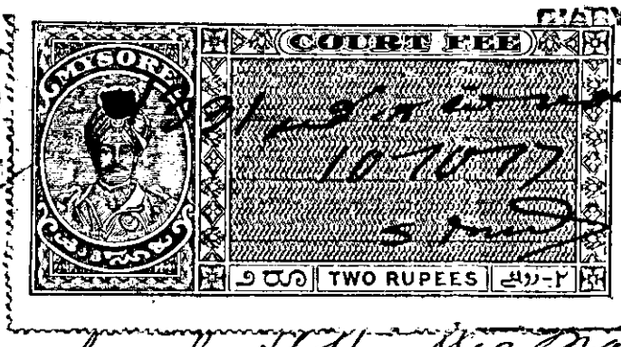
Dy 1/10/17

Sol Mr. G. Srinivasa Iyer

Registered - 21648 917-11-17

Yours obedt. servt.
for Secy. to Govt.
Exempt.

P.S.
28-9-17



DIARY No. 4785

H. & DEP. DE. 715

10 OCT 1917

To be printed

Before the Govt of H.H. the Maharajah Mysore

~~In the Court of the~~

License ~~Appeal~~ ~~CASE~~ No. OF 1917–1918.

GEN. & R. DEPT. 10 OCT 1917 JUDICIAL

Appellant, ~~*Plaintiff*~~ *Respondent,* ~~*Defendant.*~~

Chicka Ranjathetty. Lakmmachary

Vs

I the Respondent above named do by these presents (1) retain Messrs. L. Sreenivasiengar, and V. Venkatachar, B. A., B. L., Advocates, to appear in and conduct the above case on my behalf to judgement.

2. I further empower them to execute any decree or order that may be passed in my behalf and to receive from Court such sums of money as I may be entitled to get and to grant receipts therefor.

3. I also undertake to confirm and ratify all the legal acts done by the said Advocates in so doing.

Accepted

Signed before me and personally known to me.

Advocates for resp.

Advocates.

Roc No. 540.
" guddi 13.18

encls. 3 files Vis
1 appeal petn & grds with its encl.
2 The Govt C M A 13/13-18
" " "

(1

Office of the District Magistrate,

Mysore District.

Dated, Mysore, 13th October 1917.

From

K. Matthan, Esquire, B.A.,

District Magistrate,

Mysore District.

DIARY No. 9153
19 -19
SECTION Pol
FILE . 56-17
SERIAL No. 3

To

C.S. Balasundaram Iyer, Esquire, B.A.,

Secretary to the Government of His

Highness the Maharaja of Mysore,

General Department, Bangalore.

Sir,

With reference to your No. J.1151-Pol 56-17-1 dated 1st October 1917 calling for a report on the petition from Narasimhachar and Chik Nanjappa of T. Narasipur appealing against the order of the District Magistrate regarding the grant of a license to conduct a marriage procession to one Chinnachari, I have the honor to state that on the application of the latter (Chinnachari) to the Amildar of T.Narasipur on 25th May 1917 for permission to take the married couple in procession along the four streets of the T. Narasipur Town, the Police were ordered to enquire into the mamool and report if any breach of peace was apprehended. On the 6th June 1917, Nanjappa and other residents of the town presented a petition to the Amildar Magistrate protesting against the grant of the license asked for by Chinnachari alleging that the latter's community were as a mamul taking their marriage procession only in their own street and not along the other streets. This petition was also referred to the Police.

Necessary enquiries were made of members of the different communities and the Police Inspector reported in his No.1031 dated 8th June 1917 that the Agasale people to whom Chennachari belonged used to take their procession along their own street as far as the school

via

W.D. 0244—GPB—6,00,000—19-5-36—S.

GEN. & REV. BRA... III 20 OCT 1917

191

From

The District Magistrate,

Mysore District

To

The Secretary to Government.
General Department,
Bangalore.

Dated 13th October 1917.

Despatched 19-10-1917

Received

General No. Roc 540/Jud 13-18
No.

Enclosure No. 3 files

Submits a report on the appeal petition of Narasimhachar and Chicka Nanjappa re the - marriage license ordered to be given to Chinnachari in Mis. Appeal No. 17 of 17-18 on the file of this Court.

Pol 4 mm

GEN. & REVENUE SECRETARIAT III 20 OCT 1917.

via Narasimhaswami Temple and return to their quarters by the same route, that the petition of Chinnachari was the outcome of an illfeeling that arose between himself and other people since the Gramadevate festival and that license should be given to the applicant restricting the procession only to the mamool route. On the 14th June 1917, Chinnachari presented another petition to the Amildar stating that the opponents were, at the instigation of one Poottanna who was on inimical terms with him having been twice convicted for molesting him, advancing an ungrounded takarar to spite him, that his people were as a mamul taking their processions on the roads marked in the Sketch, that no objection was taken on a similar occasion last year when he performed his daughter's marriage and that the present intended route lay along the high roads leading to Nanjangud, Mysore, Talkad and other places involving no kind of trouble whatever to the people. In subsequently reporting on this petition, the Police Inspector invited reference to his last report stating that there would be a disturbance if the applicant were allowed to take his procession along the roads shown in the sketch produced by him(petitioner). Thereupon the Amildar examined the people of different communities residing in the locality, and formed the opinion that the Panchalas never went in procession in the streets named by Chinnachari where no houses of his community existed, that the petitioner intended to spite the Sivachars and create bad blood in as much as there was no marriage or any function necessitating any procession in his house at the time and consequently held that there was no reason to alter the existing usage of those people going in procession only in the Panchala street and school road as admitted by the petitioner himself. He therefore declined the ~~grant~~ grant of a license as prayed for by the petitioner to take the procession along the Car street and Dodda Angadi Beedi.

Thereupon an appeal was preferred to this Court by Chinnachari

Chinnachari in Miscellaneous Appeal No. 17 of 1917-18. After a perusal of the records and on hearing the appellants Advocate, it was observed that the order appealed against was ~~pa~~ passed by the Amildar under section 45 of the Police Regulation in his capacity as Head of Police, that neither the Sivachars nor any others who objected to the grant of the license as against mamool had shown that they had a right to do so and that there was no allegation of the likelihood of any breach of peace and consequently the Amildar's order refusing the license was set aside and the procession allowed to take place if the petitioner wanted it, regulating the same by the issue of a license with suitable conditions and guarding against any breach of the peace.

It is well known that Panchalas belong to the nine-phanas ~~xxx~~ and other communities belonging to the eighteen phanas everywhere try to put various obstacles in the way of the former enjoying their natural rights as citizans. If other communities allege that the Panchalas cannot take a marriage procession on the public road it is for them to establish such a claim in the Civil Courts. In the absence of any such binding decisions of the Civil Courts, I am of opinion that it behoves the Police and the Magistracy to protect such weaker communities in the lawful exercise of their lawful rights. It is difficult in these days to support any claim~~ing~~ set up by one community to restrain the freedom of other communities.

Counter-petitioners Narasimhachar and Chicka Nanjappa (present appellants before Government) have now appealed to Government against this order.

The connected records together with the appeal petition are herewith submitted as called for.

I have the honor to be,
Sir,
Your most obedient servant.

District Magistrate,
Mysore District.

A.N.

J 1646 Encl Pol 56-17

Thro' M. S. Ramachar Esqr B.A. BL. Advocate, Bangalore.

Endorsement granted to V. Narasimhachar and Chikkanagappa residents of T. Narasipur in reply to their petition dated the 27th September 1917 complaining against the order of the Dt. Magte, Mysore Dt., refusing the grant of a license to conduct a marriage procession to one Channachari

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The petitioners are informed that Govt. see no reason to interfere in the matter.

The records relating with the petition are returned herewith

By Order

for Chief Secy. to Govt.

J 1647 07 17 11 17

Copy of the above is forwarded to the Dt. Magte, Mysore Dt. with reference to his letter no. R.O.C. Jud 17-18 Dy 13.10.17 returning the records.

By Order

for Chief Secy. to Govt.

(Records)

J 1648 07 17 11 17

Copy to Channachari, T. Narasipur, for information thro' V. Venkatachar Esqr. B.A. BL. Advocate, Bangalore.

By Order

for Chief Secy. to Govt.